REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejection present in the outstanding Office Action in light of the following remarks.

As a preliminary matter, Applicants would like to call to the Examiner's attention that an Information Disclosure Statement was filed on December 27, 2006. Acknowledgement that the materials listed therein have been considered by the Examiner is respectfully requested.

Claims 1-43 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 23, and 43 are independent claims; the remaining claims are dependent claims. Claims 23-42 stand rejected under Section 101. Claims 1-10, 13-30, and 33-43 stand rejected under Section 102. Claims 11-12 and 31-32 stand rejected under Section 103.

Section 101 Rejections

The Examiner has rejected Claims 23-42 under Section 101 as being directed to non-statutory subject matter. Of these claims, Claim 23 is an independent claim and the other claims are dependent claims. The Examiner characterizes Claim 23 as being directed to 1-7 as being directed to a computer program clamed as computer listings per se.

Applicants respectfully traverse the rejection of the claims under Section 101. The attention of the Examiner is directed to the discussion bridging page 16-17 of the specification regarding implementation of the present invention ("it is to be understood that the invention may be implemented in hardware, software, or a combination of both"). Applicants thus submit that the claims as filed are directed to statutory subject matter. It is therefore respectfully requested that the Section 101 rejection be withdrawn.

The above Remarks notwithstanding, the Applicants recognize and understand the focus of the Patent Office on ensuring that claims meet the statutory requirements of Section 101. To that end, should the Examiner, upon re-evaluation of the current rejection in light of the foregoing Remarks, deem that a rejection under 35 U.S.C. § 101 is still proper; Applicants and their undersigned representative kindly request the courtesy of a Telephone Interview so that an agreement may be reached as to how the claims might be amended in order to satisfy Section 101 before the issuance of a Final Rejection.

Section 102(e) Rejections Over Klemm et al.

Claims 1-10, 13-30, and 33-43 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,457,142 to Klemm et al. Reconsideration and withdrawal of this rejection is respectfully requested.

As best understood, Klemm et al. relates to performance monitoring, problem resolution, and application program supervision. As discussed with reference to Fig. 7 of Klemm et al., with regard to abnormal thread determination, when such determination is detected, the available options are to either 1) restart the thread or 2) terminate the thread.

(See Step 705, Fig. 7). Other than shutting down or terminating the thread, there appears to be no other effort made to address overcoming the problem which caused the abnormal thread determination.

Klemm et al. stands in stark contrast to the present invention. As discussed in the specification, the present invention broadly contemplates automatic crash recovery for operating systems. When an operating system crash is detected, the faulty device drivers are identified, unloaded, repaired, and then restarted. For repairs to take place, a mapping of symptoms to fixes must be maintained either on the local machine or one or more remote servers. After a potential fix for crash is identified, it is downloaded and installed. After the installation of the repaired or replaced driver, the driver is restarted. Other steps, such as determining the possibility of corruption, are also contemplated. (Specification at 3)

Claim 1 as currently written requires "detecting a system fault; analyzing the system fault; determining a cause of the system fault; determining a solution; and applying a solution". Similar language appears in the other independent claims.

It is respectfully submitted that Klemm et al. clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not teach analyzing the system fault; determining a cause of the system fault; determining a solution; and applying a solution. Klemm et al. merely restarts or terminates an offending thread. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the

disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

Section 103(a) Rejections Over
Klemm et al. in View of Chandiramani et al.

Claims 11-12 and 31-32 stand rejected under 35 USC § 103(a) as obvious over Klemm et al. in view of Chandiramani et al. With respect to these claims, the Office asserts that "[i]t would have been obvious ... to use the method of supervising target application program of Klemm et al.'s in combination with the fault handling process for enabling recovery, diagnosis, and self-testing of computer systems of Chandiramani et al. to reliably recover from system failures." Reconsideration and withdrawal of the present rejections are hereby respectfully requested. Claims 11 and 31 address memory corruption, and claims 12 and 32 address manual resolution of memory corruption.

In support of the rejection, the Office cites Col. 7, lines 39-52 of Chandiramani et al. A review of the cited language shows that while the language indicates memory corruption could cause a fault, there is no teaching of manually addressing such corruption. In fact, the word "manual" does not appear within the cited language.

Applicants note a Section 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually combining the references would not produce the claimed invention.

Thus, the claimed invention is patentable over the combined references and the state of the art.

Conclusion

In view of the foregoing, it is respectfully submitted that independent Claims 1, 23, and 43 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1 and 23 it is thus also submitted that Claims 2-22 and 24-42 are also allowable at this juncture.

The "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

/

/

/

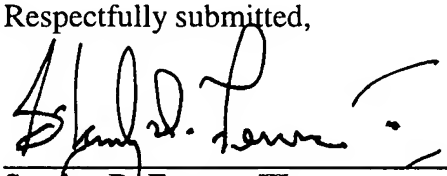
/

/

/

In summary, it is respectfully submitted that the instant application, including Claims 1-43, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 58127
FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants